UNITED STATES PATENT AND TRADEMARK OFFICE

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ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 April 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Specification

1.   The disclosure is objected to because of the following informalities: Step 9100

referenced on specification pg. 13 is missing from figures.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-2, 4-8, 12-13, 15-17, 19 are rejected under 35 U.S.C. 102(b) as being

anticipated by Norton (US Patent No. 6,510,411 B1).

Regarding claims 1 and 2, Norton teaches a method of providing a verbal

dialog interface for a caller to an automated self-service call system, comprising the

steps of:

grouping services/products into categories (Fig. 3A, order grouping of sandwich,

side and drink; another grouping of sandwich made of turkey pastrami, grilled cheese

and tuna salad, col. 7, ll. 64-66);

associating one or more topics with each service/product (associating sandwich,

drink and side with order service);

storing at least one dialog module for each topic, such that the dialog module can

be played as a voice message of instructions to the caller (topics are represented as

tasks and subtasks with their individual structure of prompts, responses, help messages

representing individual dialog, col. 15, ll. 52-col. 17, ll. 34);

wherein some topics have more two or more dialog modules, depending on the

length of the instructions (topic of sandwich will have multiple dialogs of different types

of sandwiches i.e. tuna salad and different types of bread with this type of sandwich,

col. 8, ll. 4-11);

during a call from a caller, prompting the caller to name or describe a

service/product or to ask for a list of services/products (col. 5, ll. 15-32);

in response to the prompting step, recognizing the caller's response such that

unsupported services/products are recognized and an appropriate message is played

(col. 24, ll. 54-56, col. 27, ll. 13-23);

in response to the prompting step, if the caller asks for a list of services,

providing a spoken list of categories (caller asking for choices col. 10, ll. 60; for order

will get a list of sandwich, side and drink categories defined by roles for order service);

in response to either the preceding prompting or providing step, recognizing the

caller's response, and determining if the caller's response is to be disambiguated (col. 3,

ll. 59-61, col. 27, ll. 13-23, col. 30, ll. 37-40);

disambiguating the response by determining if the response corresponds to a

category having more than one service/product, and if so, providing a list of

services/products within that category, prompting the caller for a response, and

recognizing the caller's response (provide list of sandwich, side and drink defined by roles for order service category);

based on one or more of the caller's responses, recognizing the caller's selected service/product (caller input is confirmed and recognized, col. 18, ll. 31-37);

providing the caller with a list of topics associated with the selected service/product and recognizing the caller's selected topic (col. 9, ll. 5-6, list of side order topics and recognizing selection i.e. 'Good choice!", col. 9, ll. 3); and

providing the instructions in at least one dialog module associated with the selected topic, such that if the selected topic has more than one associated dialog module, the caller may request to have any selected dialog module repeated (col. 10, ll. 58-67, instructions associated with 'order' topic, with a REPEAT option for any topic in 'order' category);

wherein each of the above the prompting and providing steps are part of a unique dialog module associated with that step, such that each dialog module has at least one timeout process and at least one retry process (each topic is task or subtask and each has timeout for response and repeating the step, col. 25, ll. 8-9, col. 34, ll. 7-12).

Regarding claim 4, Norton teaches the dialog interface for a telephone call system (col. 5, ll. 15-33).

Regarding claim 5, Norton teaches of recognizing with natural language speech recognition techniques (Fig. 1, items 120, 130).

Regarding claims 6 and 7, Norton teaches of timeout for response and reprompting (col. 34, II. 7-12).

Regarding claim 8, Norton teaches of recognizing unsupported topics and playing an appropriate message (col. 24, II. 54-56, col. 27, II. 13-23).

Regarding claim 12, Norton teaches of having 'help' prompt and recognizing 'help' response for each task or subtask i.e. category or topic and providing corresponding information (col. 20, II. 12-13, col. 10, II. 58-67).

Regarding claim 13, Norton teaches of a system for providing a verbal dialog interface for a caller to an automated self-service call system, comprising:

a database for storing at least the following interactive dialog modules and processes:

a module (task) for prompting the caller to name or describe a service/product or to ask for a list of services/products, and for recognizing the caller's response (col. 8, II. 55, "What type of sandwich do you want?");

a module for providing a list of service/product categories in response to the preceding step, and for recognizing the caller's selection from the list of categories (col. 9, II. 22-24, prompting with "What kind of bread would you like your grilled cheese sandwich on?" with a filler list of "white", "rye" and "whole wheat");

a disambiguation decision process for determining whether the caller has responded with a category having more than one associated service/product (col. 30, II. 37-40);

a disambiguation process for providing a list of services/products, and for

recognizing the caller's spoken selection from the list (col. 30, ll. 37-40, inherent

disambiguator for every task i.e. dialog);

a Information process for providing the caller with a list of topics associated with

a selected service/product, and for recognizing the caller's selected topic (col. 9, ll. 5-6,

providing a list of side order topics and recognizing selection i.e. 'Good choice!", col. 9,

ll. 3);

Information modules for providing the caller with verbal instructions associated

with the selected topic (col. 8, ll. 62-63, when "side" order is selected, providing

information "Today we have French fries, cole slaw or potato salad");

wherein at least one topic has more than one associated Information module,

based on the length of the instructions (col. 9. ll. 15-64, "sandwich" topic has long

instructions involving multiple choices i.e. topics each with its own information module);

at least one What Next module, operable each Information module, for prompting

the caller to ask for a repeat of the instructions or to command a stop, and for

recognizing the caller's response (col. 19. ll. 64-col. 20, ll. 15, every task i.e. topic/dialog

has CONTINUE for what next, REPEAT and STOP and recognizing them and executing

corresponding action);

and an interactive voice recognition system for performing the above prompting,

providing, and recognizing steps (Fig. 1).

Regarding claim 15, refer to rejection for claim 6 and claim 13.

Regarding claim 16, refer to rejection for claim 7 and claim 13.

Regarding claim 17, refer to rejection for claim 12 and claim 13.

Regarding claim 19, refer to rejection for claim 8 and claim 13.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 3, 10, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Norton as applied to claims 2, 13 above, and further in view of Elsey (US Patent

Application Publication No. 2002/0055351 A1).

Regarding claim 3, Norton does not teach of prompting for the caller's phone

number.

However, in the same field of endeavor, Elsey teaches of a system prompting the

operator on behalf of a caller to enter the caller's phone number before providing

service (paragraph 0058).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify Norton to include providing caller's phone number as

taught by Elsey in order to charge and bill correctly for the service provided to the caller

calling from anywhere in the world.

Regarding claim 10, Norton does not teach of providing pricing information.

However, in the same field of endeavor, Elsey teaches of a system storing and providing pricing information, which varies with time (paragraph 0038).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Norton to include providing pricing information as taught by Elsey in order to enable the caller to make informed decision about the purchase.

Regarding claim 20, refer to rejection for claim 10 and claim 13.

6.   Claims 9, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norton as applied to claims 2, 13 above, and further in view of Beyda (US Patent Application Publication No. 2001/0014146 A1).

Regarding claim 9, Norton does not teach of listing topics in order of frequency.

However, in the same field of endeavor, Beyda teaches of keeping track of selection of menu offerings by recording its usage (paragraph 0028).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Norton to include keeping the record of prompt selection according to responses as taught by Beyda so that "user's menu commands are provided in an updated order according to the frequency of use" (Beyda, Paragraph 0028).

Regarding claim 18, refer to rejection for claim 9 and claim 13.

7.   Claims 11, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norton as applied to claims 2, 13 above, and further in view of Macleod Beck (US Patent Application Publication No. 2001/0025309 A1).

Regarding claim 11, Norton does not teach of taking a survey.

However, in the same field of endeavor, Macleod Beck teaches of taking client survey (paragraph 0114).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Norton to include taking a client survey as taught by Macleod Beck in order to compile the historical service usage data for future targeted marketing.

Regarding claim 14, Norton teaches of prompting and collecting response from caller. Norton does not teach of taking a survey.

However, in the same field of endeavor, Macleod Beck teaches of taking client survey after the step of client information collection (paragraph 0114, after steps of collecting telephony options and IPNT options).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Norton to include taking a client survey after client information collection as taught by Macleod Beck in order to compile the historical usage data for future targeted marketing.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brademann (US Patent No. 6,504,914 B1) Method For Dialog Control Of Voice-Operated Information And Call Information Services Incorporating Computer-Supported Telephony

Abella (US Patent Application Publication No. 2003/0105634 A1) Method For Dialog Management

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant Patel whose telephone number is 571-272-8620. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**OVIDIO ESCALANTE
PATENT EXAMINER**

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Examiner
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